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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,019	04/12/2004	Akihiro Nishio	1232-5374	3536
27123	7590	01/11/2005		
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER THOMPSON, TIMOTHY J	
			ART UNIT	PAPER NUMBER
			2873	

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/823,019

Applicant(s)

NISHIO, AKIHIRO

Examiner

Timothy J Thompson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 7, 9 and 12 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 5, 6, 8, 10, 11 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 7, 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamano(U.S. Patent No. 5,751,496).

Regarding claim 1, Hamano discloses; a first lens unit having a positive optical power(fig 1, I); a second lens unit having positive optical power(fig 1, III, IV), the second lens unit having, order from the object side to the image side, a first lens subunit(fig 1, III) having one of a positive optical power(fig 1, 3a) and a negative optical power(fig 1, 3b), and a second lens subunit having a positive optical power(fig 1, IV); and a third lens unit having a negative optical power(fig 1, V), wherein a spacing between the first lens unit and the second lens unit and a spacing between the second lens unit and the third lens unit are changed during zooming(col 3, liners 33-40 states that at least the second lens unit is moved during zooming indicating that all the lens units can move during zooming thus changing the spaces between all of the lens units), and at least the second lens subunit is moved toward the object side such that the spacing between the first lens subunit and the second lens subunit is changed during focusing on an object at a short distance from an object infinity at least one zoom position(col 3, lines 41-50).

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Regarding claim 4, Hamano discloses the spacing between the first lens subunit and the second lens subunit reduced during focusing on an object a short distance from an object at infinity at a telephoto end(fig 1).

Regarding claim 7, Hamano discloses the spacing between the first lens subunit and the second lens subunit is changed during zooming(fig 1).

Regarding claim 9, Hamano discloses lens subunit comprises a positive lens(fig 1, 3a) and a negative lens(fig 1, 3b).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamano(U.S. Patent No. 5,751,496) as applied to claim 1 above, and further in view of Terada(U.S. Patent No. 6,278,845).

Regarding claim 12, Hamano does not disclose a finder system which has an optical axis different from an optical axis of the zoom lens system. However, Terada discloses a finder system which has an optical axis different from an optical axis of the zoom lens system(fig 1, 13-16). It would have been obvious to one skilled in the art at the time of the invention to use a finder system with an optical axis different from an optical axis of the zoom lens system as shown by Terada, in the optical system of

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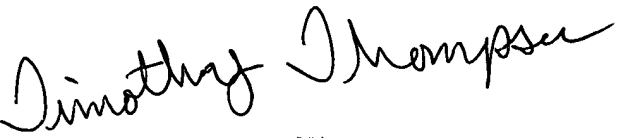
Hamano, since as shown by Terada a finder system with an optical axis different from an optical axis of the zoom lens system are commonly used so as to provide an image to the operator of the camera.

Allowable Subject Matter

Claims 2, 3, 5, 6, 8, 10, 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. With the allowable features being the exact type of lens and its position in the lens order and the conditional formula pertaining to the focal lengths of the specific lens units.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Thompson whose telephone number is (571) 272-2342. If the examiner can not be reached his supervisor, Georgia Epps, can be reached on (571) 272-2328.


TIMOTHY THOMPSON
PRIMARY EXAMINER